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10/674,288

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Amit Bagga

503018-A-01-US (Bagga)

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RYAN, MASON & LEWIS, LLP  
1300 POST ROAD  
SUITE 205  
FAIRFIELD, CT 06824

EXAMINER

TRUONG, THANHNGA B

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,288	<b>Applicant(s)</b> BAGGA ET AL.	
	<b>Examiner</b> Thanhnga B. Truong	<b>Art Unit</b> 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on October 9, 2008, PROSECUTION IS HEREBY REOPENED. A new ground(s) of rejection is set forth below. Claims 1-33 are pending. At this time, claims 1-33 are still rejected.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

### ***Response to Arguments***

2. The Appeal Brief filed October 9, 2008 has been carefully considered by an Appeal Conference. The conferees agreed that the combination of teaching between Moy and Water does not teach the claimed subject matter wherein the password is automatically generated based on selected hints. Thus the finality of the office action mailed October 19, 2007 is now withdrawn. The office regrets any inconvenience due to the applicant. However, upon further consideration, a new ground(s) of rejection is made in view of Schneider (US 2004/0250138 A1) and McCulligh (US 6,643,784 B1).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-7, 13-16, 19, and 23-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneider (US 2004/0250138 A1).

a. Referring to claim 1:

i. Schneider teaches a method for generating a password for a user (paragraph [0020-0021] of Schneider), comprising:

(1) presenting said user with a plurality of hints (**Figures 2-4 show the plurality of hints, such as an image of a tree 201, a person 202, a beachball 203 and a car 204, and paragraph [0021] of Schneider**);

(2) receiving a user selection of one of said hints; automatically generating a password based on said selected hint (**Figures 2-4 and paragraph [0021-0022] of Schneider, wherein user creates password based on images, such as tree or beachball shown in Figure 2 or a sandwich, a banana, an apple, and a softdrink as shown in Figure 4, the password will be automatically generated after user finished selecting the images for their password**); and

(3) presenting said selected hint to said user to reinforce said generated password (**Figures 2-4 and paragraph [0021-0022] of Schneider, wherein the selection of the beachball, picnic basket and sandwich in Figures 2-4 would represent the user's password**).

b. Referring to claim 2:

i. Schneider further teaches:

(1) wherein said plurality of hints include one or more of textual, audio or visual hints (**Figures 2-4, such as beachball, picnic basket and sandwich of Schneider**).

c. Referring to claim 3:

i. Schneider further teaches:

(1) wherein said plurality of hints include one or more of poems, songs, jokes, pictures or words (**Figures 2-4, such as beachball, picnic basket and sandwich of Schneider**).

d. Referring to claim 4:

i. Schneider further teaches:

(1) wherein said generated password is further based on a user input **(Figures 2-4 and paragraph [0021-0022] of Schneider, wherein user creates password based on images, such as tree or beachball shown in Figure 2 or a sandwich, a banana, an apple, and a softdrink as shown in Figure 4, the password will be automatically generated after user finished selecting the images for their password.**

e. Referring to claim 5:

i. Schneider further teaches:

(1) further comprising the step of presenting said selected hint and said generated password to said user at enrollment **(Figures 2-4 and paragraph [0021-0022] of Schneider, wherein within an ATM, the first time a user uses the system, he/she must set a password, wherein the selection of the beachball, picnic basket and sandwich in Figures 2-4 would represent the user's password).**

f. Referring to claim 6:

i. Schneider further teaches:

(1) further comprising the step of sending said selected hint to said user as a reinforcement of said generated password **(Figures 2-4 and paragraph [0021-0022] of Schneider, wherein the selection of the beachball, picnic basket and sandwich in Figures 2-4 would represent the user's password).**

g. Referring to claim 7:

i. Schneider further teaches:

(1) further comprising the step of recording said selected hint and said generated password in a record associated with said user **(paragraph [0022] of Schneider, wherein Figure 1 shows the values in the Scene Registers 103, 104 and 105 would then be passed via an Interface Box 106 to a computer system at the bank so that the bank's computer system could now store this password for this user).**

h. Referring to claims 13-16, 23-25:

i. These claims have limitations that are similar to those of claims 2-3, thus they are rejected with the same rationale applied against claims 2-3 above.

i. Referring to claim 19:

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i. This claim has limitation that is similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above.

j. Referring to claim 26:

i. Schneider further teaches:

(1) wherein said user is queried about a resulting visual image from said selected subset of said image icons to obtain access to a protected resource **(Figures 2-4, such as beachball, picnic basket and sandwich, and paragraph [0020] of Schneider)**.

k. Referring to claim 27:

i. This claim consist a apparatus for generating a password for a user to implement claim 1, thus it is rejected with the same rationale applied against claim 1 above.

ii. Schneider further teaches:

(1) a memory; and at least one processor, coupled to the memory **[i.e., Figure 1, elements 102 and 107]**.

l. Referring to claims 28-29:

i. These claims have limitations that is similar to those of claim 2, thus they are rejected with the same rationale applied against claim 2 above.

m. Referring to claim 30:

i. This claim has limitations that is similar to those of claim 4, thus it is rejected with the same rationale applied against claim 4 above.

n. Referring to claim 31:

i. This claim has limitations that is similar to those of claim 5, thus it is rejected with the same rationale applied against claim 5 above.

o. Referring to claim 32:

i. This claim has limitations that is similar to those of claim 6, thus it is rejected with the same rationale applied against claim 6 above.

p. Referring to claim 33:

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i. This claim has limitations that is similar to those of claim 7, thus it is rejected with the same rationale applied against claim 7 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10-12, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider(US 2004/0250138 A1), and further in view of McCulligh (US 6,643,784 B1).

a. Referring to claim 10:

i. Although Schneider teaches a method for generating a password for a user using hint system (paragraph [0020-0021] of Schneider), Schneider is silent (if indeed is not inherent) on the capability of using hints as a plurality of words. On the other hand, McCulligh teaches:

(1) wherein said plurality of hints includes a plurality of words and said generated password is based on a subset of said words selected by said user (**column 7, lines 23-33 of McCulligh**).

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Schneider with the teaching of McCulligh (if indeed is not inherent in Schneider) for facilitating initial entry during password selection and generation that employ feedback as to whether or not a password has been properly initially entered or generated (**column 1, lines 9-11 of McCulligh**).

iii. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Schneider with the teaching of McCulligh (if indeed is not inherent in Schneider) to overcomes the problem of the difficulty of memorizing many different passwords (**last sentence, paragraph [0007] of Schneider**).

b. Referring to claim 11:

i. This claim has limitation that is similar to those of claims 2-3, thus they are rejected with the same rationale applied against claims 2-3 above.

c. Referring to claims 12, 20-22:

i. These claims have limitations that are similar to those of claim 10, thus they are rejected with the same rationale applied against claim 10 above.

7. Claims 8-9, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (US 2004/0250138 A1), and further in view of Serpa (US 6,954,862 B2).

a. Referring to claim 8:

i. Although Schneider teaches a method for generating a password for a user using hint system (paragraph [0020-0021] of Schneider), Schneider is silent (if indeed is not inherent) on the capability wherein said selected hint is a poem, which could have been included in Figures 2-4 of Schneider, and said generated password has a similar rhyme and meter as said selected poem. On the other hand, Serpa teaches:

(1) The pace, rhythm, or tempo of keystrokes becomes as much a part of the password as the actual letters, numbers, or symbols comprising the password. An unauthorized individual might still obtain the ID and password belonging to a legitimate user but, without knowledge of the correct timing element associated with the password, the information will be useless. Because the password is pace, rhythm, or tempo sensitive, access is restricted to those who know both the password and the pace, rhythm, or tempo of the password (**column 4, lines 40-49 of Serpa**).

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Schneider with the teaching of Serpa (if indeed is not inherent in Schneider) to increase the security afforded by passwords and to make them easier to use (**column 2, lines 24-26 of Serpa**).

iii. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Schneider with the teaching of Serpa (if indeed is not inherent in Schneider) to overcome the problem of the difficulty of memorizing many different passwords (**last sentence, paragraph [0007] of Schneider**).



b. Referring to claim 9:

i. Although Schneider teaches a method for generating a password for a user using hint system (paragraph [0020-0021] of Schneider), Schneider is silent (if indeed is not inherent) on the capability wherein said plurality of hints includes a plurality of jokes, which could have been included in Figures 2-4 of Schneider, each containing one of a number of different variations for one or more variable words or phrases included in each joke and said generated password includes said variations for said one or more variable words or phrases. On the other hand, Serpa teaches:

(1) The pace, rhythm, or tempo of keystrokes becomes as much a part of the password as the actual letters, numbers, or symbols comprising the password. An unauthorized individual might still obtain the ID and password belonging to a legitimate user but, without knowledge of the correct timing element associated with the password, the information will be useless. Because the password is pace, rhythm, or tempo sensitive, access is restricted to those who know both the password and the pace, rhythm, or tempo of the password (**column 4, lines 40-49 of Serpa**).

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Schneider with the teaching of Serpa (if indeed is not inherent in Moy) to increase the security afforded by passwords and to make them easier to use (**column 2, lines 24-26 of Serpa**).

iii. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Schneider with the teaching of Serpa (if indeed is not inherent in Schneider) to overcome the problem of the difficulty of memorizing many different passwords (**last sentence, paragraph [0007] of Schneider**).

c. Referring to claims 17-18:

i. These claims have limitations that is similar to those of claims 1 and 8-9, thus they are rejected with the same rationale applied against claims 1 and 8-9 above.

**Conclusion**

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Thanhnga B. Truong/

Examiner, Art Unit 2435

TBT

December 29, 2008

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435